

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEFFREY ANDREW BAIRD,

Plaintiff,

v.

MARK AND DONNA: LIVING-TRUST,

Defendant.

Case No. 23-cv-03712-VKD

**ORDER TO SHOW CAUSE RE
DISMISSAL FOR FAILURE TO
PROSECUTE AND COMPLY WITH
COURT ORDERS**

On July 26, 2023, Jeffrey Andrew Baird, who is representing himself, filed a complaint, along with an application for leave to proceed in forma pauperis (“IFP”). Dkt. Nos. 1, 2. The following day, Mr. Baird voluntarily filed an amended complaint. Dkt. No. 4.

This Court reviewed Mr. Baird’s IFP application and his amended complaint. On July 31, 2023, the Court issued an order finding Mr. Baird’s IFP application incomplete. Dkt. No. 5. Mr. Baird was directed to submit a renewed application with all required information by August 31, 2023. Alternatively, Mr. Baird was given the option of paying the filing fee by August 31, 2023. *Id.* at 1. The order stated that “[i]f Mr. Baird does not timely file a corrected IFP application or pay the filing fee, the Court will reassign this case to a district judge and recommend that this action be dismissed.” *Id.*

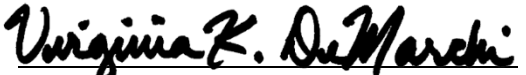
Additionally, the Court found that Mr. Baird’s amended complaint failed to establish federal jurisdiction over his claims and also failed to state a claim for relief. *See id.* at 2-3. Mr. Baird was given leave to file a second amended complaint by August 31, 2023. *Id.* at 3. The Court’s order stated that “[i]f Mr. Baird does not timely file an amended complaint, or if his amended complaint does not cure the identified deficiencies, the Court will recommend dismissal of this action in whole or in part.” *Id.*

1 The docket indicates that Mr. Baird has not submitted a renewed IFP application (or paid
2 the filing fee). Nor has he filed a second amended complaint. There has been no activity on this
3 docket since the Court issued its July 31, 2023 order.

4 The Court possesses the inherent power to dismiss an action sua sponte “to achieve the
5 orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-33
6 (1962). By **September 22, 2023**, Mr. Baird shall file a written response to this order explaining
7 why this action should not be dismissed for his failure to prosecute his case and to comply with
8 court orders. If Mr. Baird fails to respond to this order by the September 22, 2023 deadline, the
9 Court will reassign this action to a district judge, with the recommendation that the action be
10 dismissed without prejudice for failure to prosecute and to comply with court orders.

11 **IT IS SO ORDERED.**

12 Dated: September 8, 2023

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15 VIRGINIA K. DEMARCHI
16 United States Magistrate Judge
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